

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ADDISON ALEXANDER,

Plaintiff,

vs.

SGT. PAYNE, *et al.*,

Defendants.

Civil Action No. 1:13-cv-133

Weber, J.

Bowman, M.J

ORDER

Plaintiff, an inmate at the Southern Ohio Correctional Facility, proceeding *pro se* and *in forma pauperis*, has filed a civil complaint pursuant to 42 U.S.C. § 1983. (Doc. 1). This matter is before the Court on Plaintiff's motion to impose immunity (Doc. 14) and Defendants' motions to strike. (Docs. 15, 16).

Plaintiff's motion to impose immunity purportedly asks the Court to prohibit Defendants from raising the defense of qualified immunity. (Doc. 14). Defendants have moved to strike Plaintiff's motion to the instant motion asserting that it is frivolous and immaterial. Notably, Plaintiff's motion fails to seek relief from the court and asserts only his legal conclusions on two of the affirmative defenses raised by Defendants in their answer. Accordingly, Plaintiff's motion (Doc. 14) is not well-taken and is herein **DENIED**. Defendants' motion to strike (Doc. 16) is therefore **DENIED as MOOT**.

Defendants also move to strike Plaintiff's application for an entry of default against defendants. Upon close inspection of the docket in this matter, Plaintiff's application for entry of default was filed prior to the expiration of Defendants' twenty

one day response time. Thus, Plaintiff's application is premature and therefore not well-taken. Defendant's motion to strike (Doc.15) is **GRANTED**.

IT IS SO ORDERED.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge